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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,722	01/28/2004	Ralph O. Johnson III	616/15A	3459
23638	7590	12/02/2004	EXAMINER	
ADAM EVANS, P.A. (formerly Adams, Schwartz & Evans, P.A.) 2180 TWO WACHOVIA CENTER CHARLOTTE, NC 28282			KATCHEVES, BASIL S	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,722

Applicant(s)

JOHNSON, RALPH O.

Examiner

Basil Katcheves

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 8 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 1,5,6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 1, 5 and 6 are objected to.

Regarding claim 1, claim 1 recites the limitation "the masonry anchor" in line 9.

There is insufficient antecedent basis for this limitation in the claim.

The preamble of claim 1 is drawn to a subcombination connecting bracket.

However, the claim recites connecting the bracket with a support frame, complimentary connector and wall which sets forth a positive relationship between these structures.

Applicant should note that the claims have inconsistent language and are being considered as drawn to the combination. Applicant must clarify the intention.

In the response entered 9/30/04, the applicant states that claim 1 is drawn only to the connecting bracket and not the other components listed in claim 1. Correction of claim 1 is required since the connecting bracket is welded to other components, setting forth a positive relation to the frame. Because applicant has stated that claim 1 is drawn only to a connecting bracket, the subcombination, the new rejection below is necessitated and the objection to claim 1, above, stands.

Regarding claim 5, claim 5 is drawn to a complimentary connector which is not claimed.

Regarding claim 6, claim 6 is drawn to a connecting member which is not claimed.

Double Patenting

The double patenting rejection of the previous office action has been overcome by the terminal disclaimer of 9/30/04.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 4,660,342 to Salisbury.

Regarding claim 1, Salisbury discloses a connecting bracket (fig. 8) having first and second laterally spaced arms (61, 62), each arm having a connector (69) on an outwardly portion (68) and a curved cross member (60) between the arms.

Regarding claim 2, Salisbury discloses the connector as being a single wire (fig. 8).

Regarding claim 3, Salisbury discloses points capable of welding throughout the bracket.

Regarding claim 4, Salisbury discloses eyelets (69) on the ends.

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Regarding claim 5, Salisbury applicant should note that complimentary connectors are not claimed as part of the bracket, and Salisbury has the capability to be connected to a complimentary connector.

Regarding claim 6, applicant should note that a connecting member wall tie is not claimed as part of the bracket, and Salisbury has the capability to be connected to a wall tie.

Allowable Subject Matter

Claims 7 and 8 appear to be drawn to allowable subject matter as in the previous office action.

Response to Arguments

Applicant's arguments filed 9/30/04 have been fully considered but are moot under new grounds of rejections.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK *BK*

11/23/04



BRIAN E. GLESSNER
PRIMARY EXAMINER